

## **REGULAR MEETING FEBRUARY 6, 2003**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, February 6, 2003, at the hour of 7:00 PM. Those present were Commissioners: Larry Branham, Larry Brown, Kevin Gunderson, Don Maxwell and Mayor Stephen E. Gilmore, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Steve Corbitt, Director of Public Services; Jim Shaw, Director of Planning and Community Development; Gail Melvin, Economic Development Director; Marion Russell, Assistant Director of Public Services; Greg Rice, Safety/Risk/Insurance Manager; Bruce Craft, Recreation Division; Eddie Lambert, Disaster and Emergency Services; Darlynn Barber, Field Representative for Senator Bunning; and Reporters.

The invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

### **AGENDA**

City Manager Fisher presented the agenda of February 6, 2003. Motion was made by Brown, seconded by Gunderson, to receive and file the agenda. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

### **MINUTES**

Motion was made by Gunderson, seconded by Branham, to dispense with reading and approve the minutes of the Regular Meetings held on December 19, 2002, January 2 and January 14, 2003 and the Recessed Meeting held on January 3, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

### **HEARINGS AND REPORTS**

#### **City Manager's Report –**

City Manager Fisher reported the City's website is being updated to include the strategic plan and results of the recent National Citizen Survey.

#### **Mayor and City Commissioners' Comments –**

Commissioner Branham stated it was good to see the large crowd and he hoped the attendance would continue.

Commissioner Gunderson expressed appreciation for Public Services employees and their hard work during the past two weeks to repair numerous water and sewer breaks especially along Greenup Avenue.

Commissioner Maxwell echoed comments by Commissioner Branham about the turn out for the meeting. He stated he had received notification from Cincinnati that the 478<sup>th</sup> Engineering Battalion, Army Reserves, Company C, from Boyd County was being activated. The Company will depart Monday with a farewell reception at 6:00 PM Sunday at Boyd County High School. Commissioner Maxwell stated he was pleased the utility cuts were being repaired with concrete and asphalt. He requested a work session and meeting with the County be scheduled.

Mayor Gilmore expressed appreciation to Director of Public Services Corbitt and employees in the Public Services Department for work in freezing weather and the Police & Fire Departments for services under adverse road conditions.

**REGULAR MEETING FEBRUARY 6, 2003**  
**PUBLIC PARTICIPATION**

**PUBLIC PARTICIPATION**

Sue Hall, 1813 Hilton Avenue, thanked City crews for road clearing during recent snowstorms. She also appreciated the work of Code Enforcement in resolving a problem her neighbor was encountering.

Susie McKinney, Earl Street, stated she was proud to be in attendance and pledged her support to the Commission.

**EXECUTIVE SESSION**

Motion was made by Brown, seconded by Branham, to go into Executive Session at 7:30 PM to discuss collective bargaining. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**RECONVENED**

The meeting reconvened at 8:04 PM and Mayor Gilmore announced that the only item discussed was collective bargaining with no final action taken.

**OLD BUSINESS**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 9, 2003**

**AN ORDINANCE OF THE CITY OF ASHLAND,  
KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN  
E. GILMORE, MAYOR, TO EXECUTE A CONTRACT  
BETWEEN THE CITY OF ASHLAND AND WILDCAT  
EXCAVATING & CONSTRUCTION, LLC FOR THE  
INSTALLATION OF DRAINAGE ON MARCIA STREET  
FOR THE DEPARTMENT OF PUBLIC SERVICES.**

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Wildcat Excavating & Construction LLC for equipment, materials and labor for the installation of drainage on Marcia Street for the Department of Public Services in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. 9, 2003 CONTINUED**

ADOPTED BY THE BOARD OF COMMISSIONERS: January 14, 2003  
READOPTED BY THE BOARD OF COMMISSIONERS: February 6, 2003  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Maxwell, to adopt Ordinance No. 9, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 10, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED JANUARY 2, 2003 AND CHANGE ORDER NO. 2 DATED JANUARY 7, 2003, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND FIELDS EXCAVATING, INC. FOR A CONTRACT DATED SEPTEMBER 17, 2002 REGARDING THE 25<sup>TH</sup> STREET AREA STORM RELIEF PROJECT.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 1 dated January 2, 2003 and Change Order No. 2 dated January 7, 2003 in the contract dated September 17, 2002 and authorized by Ordinance No. 102, 2002 between the City of Ashland, Kentucky and Fields Excavating, Inc. for the 25<sup>th</sup> Street area Storm Relief Project are hereby approved as follows:

**Change Order No. 1 – Dated January 2, 2003**

Relocation of the 24” force main  
Additional concrete coring

Original Contract Price	\$2,091,238.00
Previous Change Orders	0.00
Contract Price prior to this Change Order	2,091,238.00
Net Increase of this Change Order	29,550.06
Contract Price with all approved Change Orders	\$2,120,788.06

**Change Order No. 2 – Dated January 7, 2003**

Deletion of effluent chamber (Bid Item #18)  
Additional piping and tie-in work

Original Contract Price	\$2,091,238.00
Previous Change Orders	29,550.06
Contract Price prior to this Change Order	2,120,788.06
Net Increase of this Change Order	(74,704.20)
Contract Price with all approved Change Orders	\$2,046,083.86

A true copy of Change Orders No. 1 and No. 2 is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. 10, 2003 CONTINUED**

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 14, 2003  
READOPTED BY THE BOARD OF COMMISSIONERS: February 6, 2003  
PUBLISHED:

**MOTION**

Motion was made by Maxwell, seconded by Branham, to adopt Ordinance No. 10, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**CONSENT AGENDA**

**RESOLUTION NO. 4, 2003**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **FEBRUARY 6, 2003**.

\* \* \* \* \*

BE IT RSOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the “Consent Agenda” for the meeting of **February 6, 2003**. Attached hereto and incorporated herein, as if set out in full, is a copy of the “Consent Agenda” hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 6, 2003

**MOTION**

Motion was made by Brown, seconded by Branham, to adopt Resolution No. 4, 2003.

**REGULAR MEETING FEBRUARY 6, 2003**  
**RESOLUTION NO. 4, 2003 CONTINUED**

**MOTION TO TABLE**

Motion was made by Brown, seconded by Maxwell, to table item (e). Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed. City Manager Fisher was directed to prepare a report on the number of city vehicles and assignment and report on mileage and conditions of vehicle.

**VOTE ON MOTION TO ADOPT**

Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**NEW BUSINESS**  
**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND ADAMS ROBINSON ENTERPRISES, INC. FOR THE WATER TREATMENT PLANT IMPROVEMENTS – PHASE II FOR THE DEPARTMENT OF PUBLIC SERVICES.

**MOTION**

Motion was made by Gunderson, seconded by Branham, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH BRENNTAG MID-SOUTH, INC. FOR A ONE-YEAR SUPPLY OF LIQUID CAUSTIC SODA, POWDERED ACTIVATED CARBON, LIQUID CHLORINE AND SULFUR DIOXIDE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

**MOTION**

Motion was made by Branham, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. \_\_, 2003**

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH CHEMICAL RESOURCES, INC. FOR A ONE-YEAR SUPPLY OF HYDROFLUOSILICIC ACID AND POTASSIUM PERMANGANATE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

**MOTION**

Motion was made by Brown, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH GENERAL CHEMICAL CORP. FOR A ONE-YEAR SUPPLY OF POLY-ALUMINUM CHLORIDE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

**MOTION**

Motion was made by Branham, seconded by Brown, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH GEO SPECIALTY CHEMICAL FOR A ONE-YEAR SUPPLY OF ALUMINUM SULFATE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. \_\_\_\_\_, 2003 CONTINUED**

**MOTION**

Motion was made by Branham, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH GREER INDUSTRIES, INC. FOR A ONE-YEAR SUPPLY OF ¾" PEBBLE LIME AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

**MOTION**

Motion was made by Brown, seconded by Branham, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH POLYDYNE, INC. FOR A ONE-YEAR SUPPLY OF LIQUID POLYMER AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

**MOTION**

Motion was made by Brown, seconded by Branham, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND LIGHT'S ENTERPRISES, INC. FOR ALL LABOR & MATERIALS FOR TREE TRIMMING FOR A TWO (2) YEAR PERIOD FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF STREETS.

**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. \_\_\_\_\_, 2003 CONTINUED**

**MOTION**

Motion was made by Maxwell, seconded by Branham, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED JANUARY 31, 2003, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND KENTUCKY POWER COMPANY FOR A CONTRACT DATED OCTOBER 17, 2002 REGARDING THE LINEAR PARK LIGHTING PROJECT.

**MOTION**

Motion was made by Branham, seconded by Gunderson, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Abstain – Commissioner Brown. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED JANUARY 27, 2003 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND KYOVA ELECTRICAL SERVICES, INC. FOR A CONTRACT DATED JUNE 21, 2002 REGARDING THE ROBERTS DRIVE PUMP STATION CONTROLS.

**MOTION**

Motion was made by Brown, seconded by Gunderson, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING THE CORPORATION COUNSEL OF SAID CITY TO INSTITUTE AN ACTION IN THE BOYD CIRCUIT COURT TO CLOSE A 15 FT. ALLEY LOCATED IN THE BATESVILLE SUBDIVISION FACING MCGURK STREET IN THE CITY OF ASHLAND, BOYD COUNTY, KENTUCKY, AND PROVIDING THAT ALL COSTS OF SUCH ACTION SHALL BE PAID BY LEE F. BARRETT.



**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. \_\_\_\_, 2003 CONTINUED**

**MOTION**

Motion was made by Branham, seconded by Gunderson, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 1 OF ORDINANCE NO. 155, SERIES OF 1984, AS PREVIOUSLY AMENDED BY ORDINACNE NO. 110, SERIES OF 1989, ORDINANCE NO. 80, SERIES OF 1994 AND ORDINANCE NO. 39, SERIES OF 1996, ESTABLISHING TWO HOUR PARKING LIMITS AND FIXING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

**MOTION**

Motion was made by Maxwell, seconded by Brown, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE ZONING MAP OF THE OFFICIAL ZONING ORDINACNE OF THE CITY OF ASHLAND NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 3120 OLD 13<sup>TH</sup> STREET FROM B-1, BUSINESS/NEIGHBORHOOD, TO R-4, RESIDENTIAL/HIGH DENSITY.

**MOTION**

Motion was made by Gunderson, seconded by Branham, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Gunderson, Maxwell and Mayor Gilmore. Nay – Commissioner Brown. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT CREATING A RESTRICTIVE COVENANT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND ANTHONY L. AND MINERVA JANE HORNE REGARDING PROPERTY AT 3120 OLD 13<sup>TH</sup> STREET.

**REGULAR MEETING FEBRUARY 6, 2003**  
**ORDINANCE NO. \_\_\_\_\_, 2003 CONTINUED**

**MOTION**

Motion was made by Branham, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading.

**DISCUSSION**

Anna Ruth, attorney for Mr. & Mrs. Joe Dixon, voiced all previous objections to the rezoning. She also stated she had been given a copy of the restrictive covenant which did not include regulations for parking for the apartments. Corporation Counsel Martin stated the parking restriction could be added if Commission agreed to do so.

Motion was made by Maxwell, seconded by Branham, to add the parking restriction. Upon roll call, voting aye were Commissioners Branham, Gunderson, Maxwell and Mayor Gilmore. Nay – Commissioner Brown. Motion passed.

**VOTE ON MOTION TO ADOPT**

Upon roll call, voting aye were Commissioners Branham, Gunderson, Maxwell and Mayor Gilmore. Nay – Commissioner Brown. Motion passed.

**READING & ADOPTION**

**RESOLUTION NO. 5, 2003**

A RESOLUTION OF THE CITY OF ASHLAND,  
KENTUCKY, URGING FEDERAL SUPPORT FOR  
CONTINUATION OF AMTRAK SERVICE AND A  
NATIONAL PASSENGER RAIL SYSTEM.

\* \* \* \* \*

WHEREAS, the City of Ashland is a local government in Boyd County, Kentucky with a population of 50,000 people collectively, and where 350,000 people live within a 25 mile radius in the Tri-State area of Kentucky, Ohio and West Virginia, and

WHEREAS, the City of Ashland provides a true intermodal facility at Ashland, Kentucky renovated in 1996 and 1997 with Federal, State and local funds for the purpose of providing rail, intercity bus and local bus service, and

WHEREAS, the residents of Ashland, Boyd County and surrounding enables those who have limited public transportation options do not want to lose their only rail passenger service, and

WHEREAS, the local air transportation is limited from nearby Huntington, West Virginia, and

WHEREAS, the State of Kentucky currently has only three (3) days a week rail passenger service at Ashland, South Shore and Maysville, Kentucky for a State with a population of 4,041,769, and

WHEREAS, the Ashland City Commission does not want the United States to become the only modern nation in the world that does not provide a “National Passenger” rail system, and

WHEREAS, the Ashland City Commission has identified the need to communicate to our Congressional leaders of the Tri-State region support for a national passenger rail system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland, Kentucky Board of City Commissioners (“the Board”) hereby affirms the importance to our economy, national security and personal mobility and quality of life of a strong national intermodal transportation system for our nation and for our region.

**REGULAR MEETING FEBRUARY 6, 2003**  
**RESOLUTION NO. 5, 2003 CONTINUED**

SECTION 2. That the Board urges federal legislation to act swiftly to prevent the demise of our national passenger rail system by providing the immediate required funding to Amtrak of \$1.2 Billion for FY 03 as provided by the Senate House Joint Resolution 2 sufficient to stabilize and prevent reductions in current passenger rail service.

SECTION 3. That the Board further urges federal legislators to follow the recommendation of the Federal Railroad Administrator to move promptly to develop a new, clear national policy for continuation of intercity passenger rail.

SECTION 4. That the Board urges Congress to consider as part of this new policy, 1) establishing a dedicated source of funding for railroad infrastructure development which will facilitate the type of long term planning enjoyed by other transportation modes, and 2) establishing a means of proactive and effective federal oversight of the National passenger rail system as outlined in National Defense Rail Act Senate Bill S-104.

SECTION 5. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 6, 2003

**MOTION**

Motion was made by Brown, seconded by Branham, to adopt Resolution No. 5, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**READING & ADOPTION**

**RESOLUTION NO. 6, 2003**

A RESOLUTION OF THE CITY OF ASHLAND,  
KENTUCKY, URGING THE COMMONWEALTH OF  
KENTUCKY TO LOCATE THE KENTUCKY STATE  
POLICE EASTERN FORENSIC LABORATORY  
WITHIN THE CITY OF ASHLAND, KENTUCKY.

\* \* \* \* \*

WHEREAS, the Kentucky State Police Eastern Forensic Laboratory has been located in Ashland since the Kentucky State Police opened laboratories across the Commonwealth years ago, and

WHEREAS, during this period the laboratory served 20 counties and 177 agencies in Eastern Kentucky, and

WHEREAS, in keeping the location of the laboratory in Ashland, the laboratory will continue to be provided with 24-hour full time professional services of the Ashland Police and Fire Departments;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

**REGULAR MEETING FEBRUARY 6, 2003**  
**RESOLUTION NO. 6, 2003 CONTINUED**

SECTION 1. That the Ashland, Kentucky Board of City Commissioners respectfully requests and urges the Commonwealth of Kentucky Finance and Administration Cabinet, Department for Facilities Management, Division of Real Properties, to locate the Kentucky State Police Eastern Forensic Laboratory within the City of Ashland, Kentucky.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 6, 2003

**MOTION**

Motion was made by Branham, seconded by Gunderson, to adopt Resolution No. 6, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**READING & ADOPTION**

**RESOLUTION NO. 7, 2003**

A RESOLUTION OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ASHLAND, KENTUCKY, SUPPORTING THE CONTINUED EFFORTS OF UNION AND MANAGEMENT REGARDING THE RETENTION OF JOBS AT KENTUCKY ELECTRIC STEEL.

\* \* \* \* \*

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of City Commissioners of the City of Ashland, Kentucky, hereby resolves that the City of Ashland supports the continued efforts of the union and management working together regarding the retention of jobs at Kentucky Electric Steel.

SECTION 2. That the Board of City Commissioners of the City of Ashland, Kentucky, further resolves that the City of Ashland supports the retention of jobs at Kentucky Electric Steel that provide employment to our residents, friends and neighbors.

SECTION 3. This Resolution shall be in full force and effect after its adoption, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 6, 2003

**REGULAR MEETING FEBRUARY 6, 2003**  
**RESOLUTION NO. 7, 2003 CONTINUED**

**MOTION**

Motion was made by Maxwell, seconded by Branham, to adopt Resolution No. 7, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**DISCUSSION ITEMS**

**Sign ordinance appeal by Carson Elswick at 1201 Greenup Avenue** – Motion was made by Gunderson, seconded by Brown, to approve the appeal. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**Sign ordinance appeal by Francis A. Guffey, II, FAIA, at 1240 Winchester Avenue** - Motion was made by Brown, seconded by Branham, to table until the next meeting. Discussion – Jeff Gay, Vice-President for Allied Food Industries, Inc., appeared on behalf of Burger King. Mr. Gay stated the sign requests are standard for new construction of the restaurant. He and Planning & Community Development Director Shaw will meet to work out a compromise & make some drawings for the Board's consideration at the next meeting. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**Request for limited use of public right-of-way by Don Hall GM Supercenter at 1800 Greenup Avenue** – Motion was made by Brown, seconded by Branham, authorizing the preparation of an ordinance. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**Request for limited use of public right-of-way by United Properties, LLC at the southwest corner of Carter Avenue and 22<sup>nd</sup> Street** – Motion was made by Maxwell, seconded by Branham, authorizing the preparation of an ordinance. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**Request for limited use of public right-of-way by Paul Reynolds at 3225 Winchester Avenue** – Motion was made by Brown, seconded by Branham, authorizing the preparation of an ordinance. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**APPOINTMENTS**

Motion was made by Branham, seconded by Brown, approving the Mayor's appointment of the following:

**Ashland Tree Board**

Dr. Charles Howes – 3-year term retroactive to 3/1/2002 & expiring 3/1/2005  
Joyce Welch – 3-year term retroactive to 3/1/2002 & expiring 3/1/2005  
Ramona Callihan – 3-year term retroactive to 2/28/2002 & expiring 2/28/2005  
Alice Bourne – 3-year term retroactive to 2/28/2002 & expiring 2/28/2005

**Ashland Tennis Commission**

Karla Leibee – 3-year term retroactive to 10/1/2002 & expiring 10/1/2005  
James Fout – 3-year term retroactive to 10/1/2002 & expiring 10/1/2005  
Randy Chapman – 3-year term retroactive to 10/1/2002 & expiring 10/1/2005

**REGULAR MEETING FEBRUARY 6, 2003**  
**APPOINTMENTS CONTINUED**

**Regional Public Safety Communication Center's Finance Board**

Kevin Gunderson – 1-year term retroactive to 1/1/2003 & expiring 1/1/2004

**Ashland Planning Commission**

Corey Freimark – 4-year term retroactive to 1/1/2003 & expiring 1/1/2007

James Powers – 4-year term retroactive to 1/1/2003 & expiring 1/1/2007

Robert J. Serey – 4-year term retroactive to 1/1/2003 & expiring 1/1/2007

**Ashland Park Board**

Norma Meek – 4-year term retroactive to 10/18/2002 & expiring 10/18/2006

Judy Gearhart – 4-year term retroactive to 10/18/2002 & expiring 10/18/2006

**Commission on Human Rights**

Edward Figgins – 3-year term retroactive to 1/1/2003 & expiring 12/31/2005

Ann Newman – 3-year term retroactive to 1/1/2003 & expiring 12/31/2005

David Welch – 3-year term retroactive to 1/1/2003 & expiring 12/31/2005

Richard T. Smith – 3-year term retroactive to 1/1/2001 & expiring 12/31/2003  
(filling term vacated by the decease of Gerald Whitlow)

**Civil Service Commission of Ashland, Kentucky**

Timothy P. Walters – 3-year term beginning 2/1/2003 & expiring 2/1/2006

**Ashland Board of Zoning Adjustment**

Melissa Benhke – 4-year term retroactive to 2/28/2002 & expiring 2/28/2006

**Ashland Area Convention & Visitors Bureau Board of Directors**

Ira Smith – 3-year term beginning 1/21/2003 & expiring 1/21/2006

**Appeals Board of Electricians**

Mark Osborne – 4-year term retroactive to 2/18/2002 & expiring 2/18/2006

**Ethics Commission of Ashland, Kentucky**

Charles T. Kitchen – 4-year term retroactive to 1/1/2002 & expiring 1/1/2006

**Ashland Urban Renewal Board**

Richard Layman – completing a term which began 11/4/2002 & expires 11/4/2006

Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**ADDITIONAL APPOINTMENTS**

Motion was made by Gunderson, seconded by Maxwell, appointing Janice Ledford and Maxine Brammer to the Streetscape Committee and Polly Judd Rideout to the Riverfront Park Committee. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 6, 2003**  
**OTHER NEW BUSINESS**

**OTHER NEW BUSINESS**

Motion was made by Maxwell, seconded by Branham, to donate \$500 to the 478<sup>th</sup> Engineering Battalion, Army Reserves, Company C, from Boyd County departing this weekend. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**ADJOURNMENT**

Mayor Gilmore declared the meeting adjourned at 9:00 PM.

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STEPHEN E. GILMORE  
MAYOR

ATTEST:

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DEBORAH MUSSER  
CITY CLERK